

**MINUTES OF THE MEETING OF THE
UNIFORM COMMERCIAL CODE COMMITTEE
OF THE BUSINESS LAW SECTION
OF THE STATE BAR OF CALIFORNIA**

**Tuesday, May 8, 2007
(9:30 am. to 11:00 a.m.)
Telephone Conference Call**

The May 8, 2007 meeting of the Uniform Commercial Code Committee (the "Committee") was called to order at approximately 9:30 a.m., with James Cochran presiding.

A. ADMINISTRATIVE MATTERS

1. **Roll Call/Attendance.** Please refer to the attendance sheet at the end of the minutes.

2. **Consideration/Approval of April 11, 2007 Meeting Minutes.** The minutes of the April 11, 2007 meeting were approved.

3. **Future Meeting Dates and Sites.**

a. **June Meeting** – The June Committee meeting will be held IN PERSON on Tuesday, June 12, 2007 at 9:30 a.m. at the Oakland Airport Hilton Hotel. Lunch will be served.

b. **Future Meetings** – Instead of the meetings previously tentatively set for July 10 and August 14, 2007, one meeting will be substituted, for a later July or earlier August date. The exact date will be determined at the June meeting. That meeting will be held via video conference at 9:30 a.m. in the offices of Pillsbury Winthrop Shaw Pittman LLP, subject to confirmation of dates and availability of videoconference equipment. The September meeting will be held in person, at the State Bar Annual Meeting at the Anaheim Marriott, September 27-30, 2007. (Exact meeting time and location TBA.)

4. **Applications to Committee.** The Committee reviewed the applications of Peter S. Burke, Michael S. du Quesnay, Zachary S. Finley, George H. Kalikman, Brent Locker, Kenneth Miller, Garth A. Osterman, and Jane Klion Springwater. After discussion of each of the applicants, and taking into account their backgrounds and experience, and contributions to the geographic and other diversity of the Committee, upon motion made, seconded and unanimously carried, the Committee voted to forward the following applicants' names to the Executive Committee to be appointed in the next State Bar Year to fill the then-remaining one-year vacancies, with the goal of having each of the applicants thereafter apply for full three year terms commencing the following year: Peter S. Burke, Michael S. du Quesnay, George H. Kalikman, and Jane Klion Springwater. These individuals will be invited to begin attending and participating in Committee meetings immediately. Upon motion made, seconded and unanimously carried, the Committee also voted to forward the following applicants' names to the Executive Committee to be added to the membership of the Committee for a three year term

commencing in the next State Bar Year: Theotis F. Oliphant, Karl Christiansen, and Sandra Montgomery. The Committee agreed to defer consideration of the remaining applications until the June meeting, in anticipation of receipt of additional applications.

B. MAIN AGENDA ITEMS

1. Bogus UCC Filings

James Cochran announced that John Oehmke agreed to serve as Chair of a Subcommittee to research and respond to Kathleen Vasquez's request for comments on the Final Report and Recommendations of the Joint Task Force on "Bogus" UCC Documents (a project for the National Association of Secretaries of State and International Association of Commercial Administrators.) Harry Sigman, a member of the Task Force, explained that the primary role of the Subcommittee would be to research existing California law that can be used to address problems caused by such filings, and make recommendations regarding whether the Task Force recommendations would be necessary or appropriate in California. The Subcommittee must complete its work by the Committee's June meeting, which Ms. Vasquez will attend. Wansun Song and Edith Warkentine agreed to serve on the Subcommittee.

2. ILC Legislative Proposal re continuation of filed notices of judgment liens

Molly Baier, a member of the Insolvency Law Committee (ILC), and Ellen Friedman, ILC liaison, joined the call to discuss the ILC's affirmative legislative proposal regarding the continuation of filed notices of judgment liens. They explained that the ILC's goal was to permit the continuation of filed notices of judgment liens similar to current law permitting the filing of continuation statements for UCC-1 filings. After receiving helpful comments from Committee members, it was agreed that the ILC will make some modifications to the proposal and circulate it to the Committee once more so that it can submit the ALP to the Executive Committee in a timely fashion. James Cochran indicated that as soon as we receive the revised ALP, it will be circulated to all Committee members, asking for additional comments by a date certain and indicating that "silence is acceptance."

C. SUBCOMMITTEE AND OTHER REPORTS

There were no reports.

D. LIAISON UPDATES

There were no liaison reports.

E. OTHER ITEMS NOT ON AGENDA

1. UCOTA

Barry Graynor reported that the Committee has been asked to work with the national drafting committee on UCOTA. He suggested that the Subcommittee that previously worked on this project be reconstituted for this purpose. After discussion, it was agreed that Harry Sigman will determine whether NCCUSL is likely to be pursuing this matter; if not,

Committee resources might better be utilized on other projects. Harry will report back at the next Committee meeting. In the meantime, Vasco Morais, who was a member of the Committee's previous UCOTA subcommittee, will forward copies of that subcommittee's report to the Committee's chairpersons for inclusion in the Committee's June meeting package.

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The meeting was adjourned at approximately 10:30 a.m.

Attendance at the May 8, 2007 Meeting:

Jim S. Cochran	Present
Barry A. Dubin	Absent
Janice E. Kosel	Present
Wansun Song	Present
Harry C. Sigman	Present
Ariel Berrios	Absent
Karl H. Christiansen	Present
Kevin C. Cops	Present
Patrick Costello	Absent
Jennifer Dinkelman	Absent
Francis X. Ferrer	Absent
Barry A. Graynor	Present
Elliott Hinds	Absent
Vasco H. Morais	Present
John C. Oehmke	Present
Theotis F. Oliphant	Absent
Brenda H. Ruttenberg	Absent
Robert Sherman	Absent
Robert A. Trodella, Jr.	Present
Demetria Vong-Spillan	Absent
Edith R. Warkentine	Present
Troy Zander	Absent
Pauline M. Stevens (Ex Com Liaison)	Absent
Ellen Friedman (Insolvency Law Committee liaison)	Present
Nina Hong (Corporations Committee liaison)	Absent